

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

WAYNE TUT, )  
                  )  
Plaintiff,     )  
                  )  
v.               )  
                  )  
BRIAN CROWDER, ET AL., )  
                  )  
Defendants.    )

No. 3:09-01018  
Judge Campbell

**O R D E R**

The plaintiff, a prisoner in the Sumner County Jail in Gallatin, Tennessee, brings this *pro se* action under 42 U.S.C. § 1983. The plaintiff has submitted an application to proceed *in forma pauperis*.

The plaintiff's application to proceed *in forma pauperis* is defective, because he has not provided a certified copy of his inmate trust fund account statement for the 6-month period immediately preceding the date that he filed his complaint as required by 28 U.S.C. § 1915(a)(2). The plaintiff shall do one of the following within thirty (30) days of the date that this Order enters: 1) either pay the three hundred fifty dollar (\$350.00) filing fee; or 2) submit a certified copy of his inmate trust fund account statement for the 6-month period immediately preceding the date that this Order enters.

The plaintiff is forewarned that, if he does not comply with this Order within the time specified, the Court is required to presume that he is not a pauper, assess the full amount of filing fee, and order the case dismissed for want of prosecution. *McGore v. Wrigglesworth*, 114 F.3d 601, 605 (6<sup>th</sup> Cir. 1997). If the case is dismissed under these circumstances, it will not be reinstated to the Court's active docket despite any subsequent payment of the filing fee, or correction of the

documentary deficiency. *Id.*

An extension of time to pay the \$350.00 filing fee, or to submit the required 6-month statement, may be requested from this Court if a motion for an extension of time is filed within thirty (30) days of the date that this Order enters. *Id.* at 605; *Floyd v. United States Postal Service*, 105 F.3d 274, 279 (6<sup>th</sup> Cir. 1997), *superseded on other grounds* by Rule 24, Fed. R. App. P.

It is so **ORDERED**.

Todd Campbell  
Todd Campbell  
United States District Judge